

**RULES
OF
TENNESSEE BOARD OF VETERINARY MEDICAL EXAMINERS**

**CHAPTER 1730-5
GENERAL RULES GOVERNING CERTIFIED ANIMAL EUTHANASIA TECHNICIANS**

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1730-5-.01 DEFINITIONS.

- (1) Animal Control Agency - A county or municipal animal shelter, dog pound, or a private humane society with administrative or contractual arrangements with or support of a local government agency, or a state county or municipal law enforcement agency, or any combination thereof which temporarily houses stray, unwanted, or injured animals.
- (2) Applicant - An Animal Euthanasia Technician seeking certification by the Board that has submitted an official application and paid the application fee.
- (3) Board - The Tennessee Board of Veterinary Medical Examiners.
- (4) Certificate - Document issued to an applicant who successfully completes the certification process. The certificate takes the form of an “artistically designed” certificate as well as other versions bearing an expiration date.
- (5) Certificate Holder - Any person who has been lawfully issued a certificate to practice as a Certified Animal Euthanasia Technician in the State of Tennessee.
- (6) Certified Animal Control Agency (C.A.C.A.) - A county or municipal animal shelter, dog pound or animal control agency, private humane society, state, county or municipal law enforcement agency, or any combination thereof, which temporarily houses stray, unwanted or injured animals pursuant to this chapter and T.C.A. § 5-1-120, and is certified by the Board of Veterinary Medical Examiners.
- (7) Certified Animal Euthanasia Technician (C.A.E.T.) – A person employed by a certified animal control agency who is authorized by the Board of Veterinary Medical Examiners (BVME) to humanely euthanize animals by administering sodium pentobarbital and the drugs referred to in Rules 1730-4-.13 and Rule 1730-5-.14 which have been approved by the BVME for the euthanasia of animals in a certified animal control agency.
- (8) Closed File - An administrative action which renders an incomplete or denied file inactive.
- (9) D.E.A. - United States Drug Enforcement Agency.
- (10) Department - Tennessee Department of Health.
- (11) Division - The Tennessee Department of Health, Division of Health Related Boards, from which the Board receives administrative support.

(Rule 1730-5-.01, continued)

- (12) Fee - Money, gifts, services or anything of value offered or received as compensation in return for rendering services; also the required certification fee(s).
- (13) H.R.B. - When the acronym "H.R.B." appears in the text of these rules, it represents the Health Related Boards.
- (14) Person - Any individual, corporation, partnership, association subdivision, or public or private organization of any character, including another agency.
- (15) Registrant - Any person who has been lawfully issued a certificate.
- (16) Tennessee Veterinarian Medical Technician - For purposes of these rules, a veterinary medical technician licensed by the Board of Veterinary Medical Examiners.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-101, 63-12-103, 44-17-301 et seq., 63-12-104, 63-12-105, 63-12-106, 63-12-112, 63-12-121, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed July 28, 2003; effective October 11, 2003.

1730-5-.02 NECESSITY OF CERTIFICATION.

- (1) Prior to engaging in practice as a Certified Animal Euthanasia Technician in a Certified Animal Control Agency, a person must hold a current Tennessee certificate or valid temporary certificate from the Board.
- (2) Licensed veterinarians and licensed veterinary technicians employed by and functioning under the direct supervision of a licensed veterinarian performing euthanasia of animals in a Certified Animal Control Agency are exempt from certification as Certified Animal Euthanasia Technicians.
- (3) With regard to those individuals performing euthanasia in a public or private agency, animal shelter or other facility operated for the collection, care and/or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals and who meet the following criteria, certification as a certified animal euthanasia technician is not required:
 - (a) If the individual passed a Board-approved euthanasia-technician certification course and performed euthanasia prior to July 1, 2001; and
 - (b) If the individual is an employee or agent of a public or private agency, animal shelter or other facility operated for the collection, care and/or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals or is a Tennessee veterinarian medical technician.

Authority: T.C.A. §§4-5-202, 4-5-204, 44-17-301 et seq., 63-1-106, 63-12-106, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed July 28, 2003; effective October 11, 2003.

1730-5-.03 QUALIFICATIONS FOR CERTIFICATION. Persons that wish to practice as a Certified Animal Euthanasia Technician must meet all of the following qualifications:

- (1) Meet the definition of a Certified Animal Euthanasia Technician;
- (2) Possess a certificate of completion from a course on euthanasia which has been approved by the Board. The course must include, but is not limited to, the following :

(Rule 1730-5-.03, continued)

- (a) Theory and History - the theory and history of euthanasia methods.
- (b) Anatomy - animal anatomy including landmarks commonly used for the restraint of animals and the administration of injectable euthanasia solution.
- (c) Restraint and Handling - proper animal handling to ease trauma and stress to the animal and reduce the likelihood injury to the handler.
- (d) Euthanasia Methods - proper methods of humanely euthanizing injured, sick, homeless or unwanted animals. This must include the performance of proper euthanasia of an animal by each student.
- (e) Dosages - dosages of chemical agents.
- (f) Injection - proper injection techniques.
- (g) Verification of Death.
- (h) Disposal - proper and lawful disposal of euthanized animals.
- (i) Record Keeping - documentation of usage, storage, handling and disposal of outdates in accordance with applicable laws and regulations.
- (j) Security - maintaining proper security precautions for all controlled substances and drugs.
- (k) Stress Management - dealing with the psychological stress of animal euthanasia.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-106, 63-12-106, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000.

1730-5-.04 PROCEDURES FOR CERTIFICATION.

- (1) The person shall obtain an application from the Board's Administrative Office, and respond truthfully and completely to every question or request for information.
- (2) The applicant shall submit with the application, the non-refundable application fee, and state regulatory fee as provided in Rule 1730-5-.06; and
- (3) A passport size picture which is signed by the applicant; and
- (4) A certified copy of the certificate of completion, or an original certificate sent directly from the course provider to the Board's Administrative Office, showing completion of a Board approved course on animal euthanasia.
- (5) An applicant shall disclose the circumstances surrounding any of the following:
 - (a) Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 - (b) The denial of certification by any other state and any disciplinary action in any state.
 - (c) Loss or restriction of certification, licensure privileges, state or federal accreditation.

(Rule 1730-5-.04, continued)

- (d) Any civil judgment or civil settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under the country's or state's, common, or case law.
- (6) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's certification application materials, the result of a criminal background check.
- (7) Application review and certification shall be governed by Rule 1730-5-.05.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-301, 63-12-106, 63-12-107, 63-12-124, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed March 14, 2006; effective May 28, 2006.

1730-5-.05 APPLICATION REVIEW, APPROVAL, DENIAL.

- (1) Applications for certification will be accepted throughout the year.
- (2) Initial review of all applications to determine whether or not the application file is complete may be delegated to the Board's Unit Director, provided that final approval of all applications is made and ratified by the Board.
- (3) If an application is incomplete when reviewed by the Board, a deficiency letter will be sent to the applicant notifying him of the deficiency.
 - (a) Such notification shall be sent certified mail return receipt requested from the Board's administrative office.
 - (b) For an applicant who has completed the requirements for certification, all documentation must be received in the Board's administrative office within sixty (60) days after receipt of the deficiency notification. If the requested information is not received within sixty (60) days, the file will be closed and the applicant notified.
 - (c) After an applicant file is closed, no further Board action will take place until a new application is received pursuant to the rules governing the applicable process, including another payment of all fees.
- (4) If a completed application has been denied and ratified as such by the Board, the action shall become final and the following shall occur:
 - (a) A notification of the denial shall be sent by the Board's Administrative Office by certified mail, return receipt requested which shall contain all the specific statutory or regulatory authorities for the denial.
 - (b) The notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Tennessee Administrative Procedures Act. (T.C.A. §§ 4-5-101, et seq.) to contest the denial and the procedure necessary to accomplish that action.
 - 1. An applicant has a right to a contested case hearing only if the certification denial was based on subjective or discretionary criteria.
 - 2. An applicant may be granted a contested case hearing if certification denial is based upon objective, clearly defined criteria only if after review and attempted resolution by the

(Rule 1730-5-.05, continued)

Board's administrative staff the certificate application cannot be approved and the reasons for continued denial present genuine issues of fact and/or law which are appropriate for appeal. Such request must be made in writing to the Board within thirty (30) days of the receipt of the notice of denial from the Board.

- (5) Any person furnishing false information or omitting pertinent information in such application shall be denied certification. If the applicant has already been certified before the falseness or omission of such information has been made known to the Board, such certification shall be subject to suspension or revocation by the Board.
- (6) If the Board finds it has erred in the issuance of a certificate, the Board will give written notice by certified mail of its intent to void the certificate. The notice will allow the applicant the opportunity to meet the requirements of certification within thirty (30) days from the date of receipt of the notification.
- (7) Abandonment of Application
 - (a) An application shall be deemed abandoned and closed if the application has not been completed by the applicant within sixty (60) days after it was initially reviewed by the Board.
 - (b) A determination of abandonment must be ratified by the Board.
 - (c) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-301, 63-12-106, 63-12-107, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000.

1730-5-.06 FEES.

- (1) The fees are as follows:
 - (a) Application Fee - A non-refundable fee to be paid by all applicants. It must be paid each time an application for certification is filed.
 - (b) Endorsement/Verification - Endorsement of certification to state licensure boards and government agencies will be provided at no charge on behalf of the certificate holder. A non-refundable fee is to be paid for each verification of the certificate holder to anyone other than a state licensing board or government agency.
 - (c) Late Renewal Fee - A non-refundable fee to be paid when an individual fails to timely renew a certificate.
 - (d) Certificate Renewal Fee - A non-refundable fee to be paid by all certificate holders. This fee also applies to individuals who reactivate a retired or administratively revoked certificate.
 - (e) Replacement Certificate Fee - A non-refundable fee to be paid when an individual requests a replacement for a lost or destroyed "artistically designed" certificate or renewal certificate.
 - (f) State Regulatory Fee - To be paid by all individuals at the time of application and with all renewal applications.

(Rule 1730-5-.06, continued)

- (2) All fees shall be established by the Board. Fees may be reviewed and changed at the discretion of the Board.
- (3) Fee Schedule:
- | | Amount |
|----------------------------------------------|----------|
| (a) Application | \$ 50.00 |
| (b) Endorsement/Verification | 20.00 |
| (c) Late Renewal | 25.00 |
| (d) Renewal (biennial) | 100.00 |
| (e) Replacement Certificate Fee | 25.00 |
| (f) State Regulatory Fee (with applications) | 10.00 |
- (4) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Veterinary Medical Examiners.

Authority: T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-1-106, 63-12-106, 63-12-123, 63-12-128, 63-12-129, 63-12-139, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed August 18, 2003; effective November 1, 2003. Amendment filed March 14, 2006; effective May 28, 2006.

1730-5-.07 RESERVED.

Authority: T.C.A. §§4-5-202, 4-5-204, and 63-12-101, et seq. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000.

1730-5-.08 RENEWAL APPLICATION AND REINSTATEMENT/REACTIVATION OF EXPIRED OR RETIRED CERTIFICATE.

- (1) Renewal Application
- (a) The due date for certificate renewal is the last day of the month of the certification period pursuant to the Division's biennial renewal system.
- (b) Methods of Renewal
1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:

www.tennesseeanyttime.org
 2. Paper Renewals - For individuals who have not renewed their certificate online via the Internet, a renewal application form will be mailed to each individual certified by the Board to the last address provided to the Board. Failure to receive such notification does not relieve the certificate holder from the responsibility of meeting all requirements for renewal.
- (c) To be eligible for renewal, an individual must submit to the Division of Health Related Boards on or before the expiration date all of the following:
1. A completed Board renewal application form; and

(Rule 1730-5-.08, continued)

2. The renewal and state regulatory fees as provided in Rule 1730-5-.06.
 - (d) Anyone submitting a renewal form or letter which is found to be untrue may be subjecting himself to disciplinary action as provided in Rule 1730-5-.12.
 - (e) Certificate holders who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their certificates processed in accordance with rule 1200-10-1-.10.
- (2) Reinstatement of an Expired Certificate
- (a) Reinstatement of a certificate that has expired may be accomplished upon meeting the following conditions:
 1. Payment of all past due renewal and state regulatory fees; and
 2. Payment of the late renewal fee provided in Rule 1730-5-.06.
 - (b) Reinstatement decisions pursuant to this rule may be made administratively or reviewed by the Board.
- (3) Retirement
- (a) C.A.E.T.s who wish to retire their certificate must complete and return to the Board's administrative office an Affidavit of Retirement form indicating one (1) of the following:
 1. Permanent retirement of the certificate to practice as a C.A.E.T.
 2. Retirement of the Tennessee certificate to practice as a C.A.E.T. in another state.
 3. Retirement of the Tennessee certificate to practice as a C.A.E.T. in order to seek other types of employment.
 - (b) When a certificate holder who has retired a Tennessee certificate to practice as a C.A.E.T. in another state wishes to reactivate the Tennessee certificate, said certificate holder must show evidence of the following:
 1. Evidence of good standing where the retiree holds a certificate.
 2. Evidence of continuous practice during the period of retirement of the Tennessee certificate.
 - (c) C.A.E.T.s who have not engaged in continuous practice during the retirement of a certificate must appear before the board for an oral examination.
 - (d) If reactivation was requested prior to the expiration of one (1) year from the date of retirement, the Board shall require payment of the late renewal fee, the past due renewal fee, and the state regulatory fee as provided in Rule 1730-5-.06.
 - (e) Certification reactivation applications shall be treated as certification applications and review and decisions required by this Rule shall be governed by Rule 1730-5-.05.

(Rule 1730-5-.08, continued)

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-1-111, 63-12-103, 63-12-105, 63-12-106, 63-12-107, 63-12-120, 63-12-121, 63-12-124, 63-12-128, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed June 24, 2004; effective September 7, 2004. Amendment filed November 2, 2005; effective January 16, 2005.

1730-5-.09 BOARD CONSULTANTS, RECORDS AND COMPLAINTS, AND DECLARATORY ORDERS.

- (1) Board Consultants are appointed by the Board and vested with the authority to do the following acts:
 - (a) Review and make determinations on certification, exemption, renewal, and reactivation of certification applications subject to the rules governing those respective applications.
 - (b) Serve as Consultant to the Division to decide the following:
 1. Whether and what type disciplinary actions should be instituted upon complaints received or investigations conducted by the Division.
 2. Whether and under what terms a complaint, case or disciplinary action might be informally settled. Any matter proposed for informal settlement must be subsequently ratified by the full Board before it will become effective.
 3. Make determinations, subject to subsequent ratification by the full Board, on petitions for stay of Board Orders pursuant to Rule 1360-4-1-.18.
 4. Undertake any other matters authorized by a majority vote of the Board.
- (2) All requests, applications, notices, complaints, other communications and correspondence shall be directed to the Board's administrative office. Any requests or inquiries requiring a Board decision or official Board action except documents relating to disciplinary actions, declaratory orders or hearing requests must be received fourteen (14) days prior to a scheduled Board meeting and will be retained in the administrative office and presented to the Board at the Board meeting. Such documents not timely received shall be set over to the next Board meeting.
- (3) Records and Complaints
 - (a) Minutes of the board meetings and all records, documents, applications, and correspondence will be maintained in the Board's administrative office.
 - (b) All records of the Board, except those made confidential by law, are open for inspection and examination, under the supervision of an employee of the Division at the Board's administrative office.
 - (c) Copies of public records shall be provided to any person upon payment of the cost of copying.
 - (d) Complaints made against a certificate holder become public information only upon the filing of a notice of charges by the Department of Health.
- (4) Requests for verification of certification to practice in another state must be made in writing to the Board's administrative office.

(Rule 1730-5-.09, continued)

- (5) Declaratory Orders - The Board adopts, as if fully set herein, rule 1200-10-1-.11, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the declaratory order process. All declaratory order petitions involving statutes, rules or orders within the jurisdiction of the Board shall be addressed by the Board pursuant to that rule and not by the Division. Declaratory Order Petition forms can be obtained from the Board's administrative office.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-223, 4-5-224, 63-12-105, 63-12-106, and 63-12-107. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed August 24, 2000; effective November 7, 2000.

1730-5-.10 CERTIFICATE.

- (1) Issuance - Upon the Board determining that an applicant for certification has successfully met all the requirements as set forth in T.C.A. §§ 63-12-101, et seq. and these rules the Board shall issue the applicant a certificate to practice as a C.A.E.T.
- (2) Display of Certificate - Every person certified by the Board in this state shall display his certificate and renewal certificate in a conspicuous place in his principal office and, whenever required, exhibit such certificates to the Board or its authorized representative.
- (3) Replacement Certificate or Renewal Certificate - A certificate holder whose "artistically designed" certificate has been lost or destroyed may be issued a replacement document upon receipt of a written request in the Board's administrative office.
- (4) Verification - Requests for certification must be made in writing to the Board's administrative office.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-106, and 63-12-123. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000.

1730-5-.11 UNPROFESSIONAL CONDUCT. Acts prohibited to be performed by C.A.E.T.s shall include, but not be limited to, the following:

- (1) Being under the influence of alcoholic beverages, or under the influence of drugs which impair judgment while on duty at any C.A.C.A., institution, or other work place location.
- (2) Practicing as a C.A.E.T. in this state on an expired, retired, suspended, or revoked certificate.
- (3) Failing to cooperate with authorities investigating incompetent, unethical or illegal practice of another C.A.E.T.
- (4) Engaging in acts of dishonesty which relate to the practice as a C.A.E.T.
- (5) Any violation of T.C.A. § 63-12-124.
- (6) Violation of the provisions of the Non-livestock Animal Humane Death Act codified at T.C.A. §§ 44-17-301, et seq.
- (7) Violation of Rule 1730-4-.13 and Rule 1730-5-.14 regarding the dispensing and distribution of pharmaceuticals.

Authority: T.C.A. §§4-5-202, 4-5-204, 44-17-301 et seq., 63-12-102, 63-12-103, 63-12-106, 63-12-119, 63-12-124, and 63-12-141. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000.

(Rule 1730-5-.11, continued)

Amendment filed July 28, 2003; effective October 11, 2003. Amendment filed May 26, 2004; effective August 9, 2004.

1730-5-.12 DISCIPLINARY ACTIONS, CIVIL PENALTIES, ASSESSMENT OF COSTS, AND SCREENING PANELS.

- (1) Upon a finding by the Board that C.A.E.T. has violated any provision of the Tennessee Veterinary Medical Practice Act (T.C.A. §§ 63-12-101, et seq.) or the rules promulgated thereto, the Board may impose any of the following actions separately or in any combination deemed appropriate to the offense:
 - (a) Advisory Censure - This is a written action issued to the C.A.E.T. for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
 - (b) Formal Censure or Reprimand - This is a written action issued to a C.A.E.T. for one time and less severe violations. It is a formal disciplinary action.
 - (c) Probation - This is a formal disciplinary action which places C.A.E.T. on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restrict the individual's activities during the probationary period.
 - (d) Certificate Suspension - This is a formal disciplinary action which suspends an individual's right to practice for a fixed period of time. It contemplates the reinstatement of the individual's certificate. When the Board suspends a certificate, the person may not practice as a C.A.E.T. during the period of suspension and is also prohibited from providing direct assistance to another C.A.E.T. in the euthanasia of any animal.
 - (e) Conditions - These include any action deemed appropriate by the Board to be required of an individual disciplined during any period of probation or suspension or as a prerequisite to the lifting of probation or suspension or the reinstatement of a revoked certificate.
 - (f) Civil penalty - A monetary disciplinary action assessed by the Board pursuant to paragraph (5) of this rule.
 - (g) Revocation for Cause. This the most severe form of disciplinary action which removes an individual from the practice of the profession and terminates the certification previously issued. The Board, in its discretion, may allow reinstatement of a revoked certificate upon conditions and after a period a time it deems appropriate. No petition for reinstatement and no new application for certification from a person whose certificate was revoked shall be considered prior to the expiration of at least one (1) year unless otherwise stated in the Board's revocation order.
- (2) Once ordered, probation, suspension, revocation, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the certificate holder petitions, pursuant to paragraph (3) of this rule, and appears before the Board after the period of initial probation, suspension, revocation, or other conditioning has run and all conditions placed on the probation, suspension, revocation, have been met, and after any civil penalties assessed have been paid.
- (3) Order of Compliance - This procedure is a necessary adjunct to previously issued disciplinary orders and is available only when a petitioner has completely complied with the provisions of a previously

(Rule 1730-5-.12, continued)

issued disciplinary order, including an uncertified practice civil penalty order, and wishes or is required to obtain an order reflecting that compliance.

(a) The Board will entertain petitions for an Order of Compliance as a supplement to a previously issued order upon strict compliance with the procedures set forth in subparagraph (b) in only the following three (3) circumstances:

1. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reflecting that compliance; or
2. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued lifting a previously ordered suspension or probation; or
3. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reinstating a certificate previously revoked.

(b) Procedures

1. The petitioner shall submit a Petition for Order of Compliance, as contained in subparagraph (c), to the Board's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of which provision of subparagraph (a) the petitioner is relying upon as a basis for the requested order; and
 - (iii) A copy of all documents that prove compliance with all the terms or conditions of the previously issued order. If proof of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed statements from every individual the petitioner intends to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify compliance and have the matter scheduled for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if compliance with all of the provisions of the previous order is not proven and notify the petitioner of what provisions remain to be fulfilled and/or what proof of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.

(Rule 1730-5-.12, continued)

4. If the Board finds that the petitioner has complied with all the terms of the previous order an Order of Compliance shall be issued.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-1-.11.

(c) Form Petition

Petition for Order of Compliance
Board of Veterinary Medical Examiners

Petitioner's Name: _____
Petitioner's Mailing Address: _____

Petitioner's E-Mail Address: _____
Telephone Number: _____

Attorney for Petitioner: _____
Attorney's Mailing Address: _____

Attorney's E-Mail Address: _____
Telephone Number: _____

The petitioner respectfully represents, as substantiated by the attached documentation, that all provisions of the attached disciplinary order have been complied with and I am respectfully requesting: (circle one)

1. An order issued reflecting that compliance; or
2. An order issued reflecting that compliance and lifting a previously ordered suspension or probation; or
3. An order issued reflecting that compliance and reinstating a certificate previously revoked.

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show compliance is the testimony of any individual, including yourself, you must enclose signed statements from every individual you intend to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the __ day of _____, 20____.

Petitioner's Signature

(Rule 1730-5-.12, continued)

- (4) Order Modifications - This procedure is not intended to allow anyone under a previously issued disciplinary order, including an uncertified practice civil penalty order, to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order. It is also not intended to allow a petition for a lesser disciplinary action, or civil penalty other than the one(s) previously ordered. All such provisions of Board orders were subject to reconsideration and appeal under the provisions of the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.). This procedure is not available as a substitute for reconsideration and/or appeal and is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued. It is also not available for those who have accepted and been issued a reprimand.
- (a) The Board will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term “impossible” does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.
- (b) Procedures
1. The petitioner shall submit a written and signed Petition for Order Modification on the form contained in subparagraph (c) to the Board’s Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of why the petitioner believes it is impossible to comply with the order as issued; and
 - (iii) A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
 2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.
 3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.

(Rule 1730-5-.12, continued)

4. If the petition is granted a new order shall be issued reflecting the modifications authorized by the Board that it deemed appropriate and necessary in relation to the violations found in the previous order.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes impossibility of compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-1-.11.

(c) Form Petition

Petition for Order Modification
Board of Veterinary Medical Examiners

Petitioner's Name: _____
Petitioner's Mailing Address: _____

Petitioner's E-Mail Address: _____
Telephone Number: _____

Attorney for Petitioner: _____
Attorney's Mailing Address: _____

Attorney's E-Mail Address: _____
Telephone Number: _____

The petitioner respectfully represents that for the following reasons, as substantiated by the attached documentation, the identified provisions of the attached disciplinary order are impossible for me to comply with:

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show impossibility is the testimony of any individual, including yourself, you must enclose signed and notarized statements from every individual you intend to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the __ day of _____, 20____.

Petitioner's Signature

(Rule 1730-5-.12, continued)

(5) Civil Penalties

- (a) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to T.C.A. § 63-1-134.

(b) Schedule of Civil Penalties

1. A Type A civil penalty may be imposed whenever the Board finds the person who is required to be certified by the Board is guilty of a willful and knowing violation of the Veterinary Practice Act, or regulations pursuant thereto, to such an extent that there is, or likely to be an imminent substantial threat to the health, safety, and welfare of an individual client or the public. For purposes of this section, a type A penalty shall include, but not be limited to, a person who willfully and knowingly is or was practicing as a C.A.E.T. without a certificate from the Board.
2. A Type B civil penalty may be imposed whenever the Board finds the person required to be certified by the Board is guilty of a violation of the Veterinary Practice Act or regulations pursuant thereto in such manner as to impact directly on the care of clients or the public.
3. A Type C civil penalty may be imposed whenever the Board finds the person required to be certified by the Board is guilty of a violation of the Veterinary Practice Act or regulations promulgated thereto, which are neither directly detrimental to clients or the public, nor directly impact their care, but have only an indirect relationship to client care or the public.

(c) Amount of Civil Penalties

1. Type A civil penalties shall be assessed in the amount of not less than \$500 nor more than \$1,000.
2. Type B civil penalties may be assessed in the amount of not less than \$100 and not more than \$500.
3. Type C civil penalties may be assessed in the amount of not less than \$50 and not more than \$100.

(d) Procedures for Assessing Civil Penalties

1. The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and law upon which it relies in alleging a violation, the proposed amount of the civil penalty and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.
2. Civil Penalties may also be initiated and assessed by the Board during consideration of any Notice of Charges. In addition, the Board may, upon good cause shown, assess type and amount of civil penalty which was not recommended by the Division.
3. In assessing the civil penalties pursuant to these rules the Board may consider the following factors:

(Rule 1730-5-.12, continued)

- (i) Whether the amount imposed will be a substantial economic deterrent to the violator;
 - (ii) The circumstances leading to the violation;
 - (iii) The severity of the violation and the risk of harm to the public;
 - (iv) The economic benefits gained by the violator as a result of non-compliance; and,
 - (v) The interest of the public.
- 4. All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of T.C.A. Title 4, Chapter 5.
- (6) Informal Settlements - The Board consultant is authorized to enter into informal settlement agreements under which a complaint against an individual may be closed without any disciplinary action. Any matter proposed for informal settlement must be subsequently ratified by the full board before it will become effective. Such agreement may include any terms deemed appropriate by the Board consultant including, but not limited to:
 - (a) Mandatory education program or course attendance;
 - (b) Submission of reports, records or other appropriate documentation;
 - (c) Conditioning of the individual's activities in any manner which affects his practice in Tennessee.
- (7) Assessment of costs in disciplinary proceedings shall be as set forth in T.C.A. §§ 63-1-144 and 63-12-143.
- (8) Screening Panels - Any screening panel(s) established pursuant to T.C.A. § 63-1-138:
 - (a) Shall have concurrent authority with the Board and any individual appointed by the Board pursuant to Rule 1730-5-.09, to do the acts enumerated in Rule 1730-5-.09 (1) (b) 1. and 2. subject to the conditions contained therein.
 - 1. A Screening panel(s) comprised of two (2) or more persons shall elect a chairperson prior to convening to conduct business.
 - 2. A screening panel(s) comprised of two (2) or more persons is required to conduct the informal hearings authorized in subparagraph (b) immediately below.
 - (b) After completion of an investigation by the Division, may upon request of either the state, or the C.A.E.T. who is the subject of an investigation with the agreement of the state, or upon request of both the C.A.E.T. and the state, conduct a non-binding informal hearing and make recommendations as a result thereof as to what, if any, terms of settlement of any potential disciplinary action are appropriate.
 - 1. Neither the Rules of Civil Procedure, the Rules of Mediation and Arbitration, the Rules of Evidence, or Contested Case Procedural Rules under the Administrative Procedures Act shall apply in informal hearings before the screening panel(s). However, Rule 31 of the Rules of the Tennessee Supreme Court may serve as general guidance as to the principles of mediation and alternative dispute resolution.

(Rule 1730-5-.12, continued)

- (i) Evidence may be presented or received in any manner and in whatever order agreed upon by the parties.
 - (ii) Prior to convening the panel and in the absence of an agreement of the parties, the screening panel chairperson shall determine the manner and order of presentation of evidence.
- 2. Neither the state nor a C.A.E.T. who is the subject of an investigation being considered by a screening panel can be compelled to participate in any informal hearing.
- 3. Proposed settlements reached as a result of any informal hearing will not become binding and final unless they are:
 - (i) Approved by a majority of the members of the screening panel which issued them; and
 - (ii) Agreed to by both the Department of Health, by and through its attorney(s), and the C.A.E.T.; and
 - (iii) Subsequently presented to and ratified by the Board.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-217, 4-5-223, 63-1-122, 63-1-138, 63-1-144, 63-12-105, 63-12-106, 63-12-121, 63-12-122, 63-12-124, 63-12-125, 63-12-128, 63-12-129, 63-12-141, and 63-12-143. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000. Amendment filed August 24, 2000; effective November 7, 2000. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed September 23, 2004; effective December 7, 2004.

1730-5-.13 CHANGE OF NAME AND/OR ADDRESS.

- (1) Change of Name - An individual registered with the Board shall notify the Board in writing thirty (30) days of a name change. The notice shall provide both the old and new names and must reference the individual's profession, board, and certificate number.
- (2) Change of Address - Each person holding a certificate who has had a change of address shall file in writing with the Board his current mailing address, giving both old and new addresses. Such requests should be received in the Board's administrative office no later than 30 days after such change has occurred and must reference the individual's name, profession, social security number and certificate number.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-106, and 63-1-108. **Administrative History:** Original rule filed December 21, 1999; effective March 5, 2000.

1730-5-.14 DISPENSING, OR OTHERWISE DISTRIBUTING PHARMACEUTICALS.

- (1) All Federal Regulations for the use of controlled substances must be followed including storage and recordkeeping.
- (2) A record of all euthanasia solutions administered shall be kept.
- (3) The only drugs approved by the Board for the euthanasia of animals by a licensed veterinarian, a licensed veterinary technician employed by and functioning under the direct supervision of a licensed veterinarian, or a certified animal euthanasia technician in a certified animal control agency shall be

(Rule 1730-5-.14, continued)

sodium pentobarbital and all commercially available F.D.A. approved euthanasia agents containing sodium pentobarbital.

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-12-106, and 63-12-141. Administrative History: Original rule filed July 28, 2003; effective October 11, 2003.*